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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,889	05/09/2001	Fusao Tachibana	01-24 FJA	4293

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Martin A. Farber, Esq.
Suite 473
866 United Nations Plaza
New York, NY 10017

EXAMINER

SMITH, JULIE KNECHT

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 04/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,889

Applicant(s)

TACHIBANA, FUSAO

Examiner

Julie K Smith

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al. (4,848,288) in view of Ida et al. (4,978,864). Murase et al. discloses an engine starter comprising a recoil device (12), a ring gear (9), operatively rotated with said recoil device, a recoil cover (1) for accommodating said recoil device and said ring gear, and a starter device having pinions (19) engaged with said ring gear. Murase et al. is silent as to a drain mechanism.

However, Ida et al. teaches a draining mechanism (see fig. 5) provided on an engine cover for allowing a liquid entering from said recoil cover to be discharged by a one-touch operation.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the apparatus of Murase et al. with the teachings of Ida et al. to provide a

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drain mechanism on a recoil cover so as to provide means for draining fluid out of the recoil cover.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al. in view of Ida et al. as applied to claim 1 above, and further in view of Gotoh (US Patent No. 4,491,754). Murase et al. discloses an engine starter and Ida et al. discloses a draining mechanism including a plug (18), as claimed above, but does not disclose a drain mechanism including a transparent pipe member. Gotoh teaches a drain mechanism including a pipe member attached to an engine cover.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Gotoh with the reference combination set forth above to provide a transparent pipe member so as to allow the contents of the pipe to be viewed from outside.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al. in view of Ida et al. as applied to claim 1 above, and further in view of Haynes (US Patent No. 4,757,710). Murase et al. discloses an engine starter as claimed but does not disclose a window for viewing a liquid. However, Haynes teaches the use of a window on an engine cover for viewing liquid levels.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide the starter cover of Murase et al. with a window for allowing the liquid to be visible from the outside so that the drain can be emptied as needed.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al. in view of Ida and Gotoh as applied to claim 2 above, and further in view of Haynes. Murase et al. discloses an engine starter as claimed but does not disclose a window for viewing a liquid. However, Haynes teaches the use of a window on an engine cover for viewing liquid levels.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide the reference combination set forth above with a window for allowing the liquid to be visible from the outside so that the drain can be emptied as needed.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al. in view of Ida et al. as applied to claim 1 above, and further in view of Ide (US Patent No. 4,038,051). Murase et al. discloses an engine starter as claimed above but does not disclose means of forcing the liquid out of the recoil cover.

However, Ide teaches a compressed air injection hole (36, fig. 4) for introducing compressed air to forcibly discharge the liquid inside a cover. Although Ide does not disclose a lid for covering the injection hole, he does disclose a lid (53) for the drain valve. Moreover, it is well known in the art to provide an opening with a lid so as to protect it from foreign matter.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide a compressed air injection hole for introducing compressed air to forcibly discharge the liquid inside a cover so as to remove any contaminants. It would have further been obvious to provide a lid member for closing said compressed air injection hole so as to prevent foreign matter from entering the hole.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al. in view of Ida et al and Gotoh as applied to claim 2 above, and further in view of Ide. Murase et al. discloses an engine starter as claimed above but does not disclose means of forcing the liquid out of the recoil cover.

However, Ide teaches a compressed air injection hole (36, fig. 4) for introducing compressed air to forcibly discharge the liquid inside a cover. Although Ide does not disclose a lid for covering the injection hole, he does disclose a lid (53) for the drain valve. Moreover, it is well known in the art to provide an opening with a lid so as to protect it from foreign matter.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide a compressed air injection hole for introducing compressed air to forcibly discharge the liquid inside a cover so as to remove any contaminants. It would have further been obvious to provide a lid member for closing said compressed air injection hole so as to prevent foreign matter from entering the hole.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al. in view of Ida et al and Haynes as applied to claim 3 above, and further in view of Ide. Murase et al. discloses an engine starter as claimed above but does not disclose means of forcing the liquid out of the recoil cover.

However, Ide teaches a compressed air injection hole (36, fig. 4) for introducing compressed air to forcibly discharge the liquid inside a cover. Although Ide does not disclose a

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lid for covering the injection hole, he does disclose a lid (53) for the drain valve. Moreover, it is well known in the art to provide an opening with a lid so as to protect it from foreign matter.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide a compressed air injection hole for introducing compressed air to forcibly discharge the liquid inside a cover so as to remove any contaminants. It would have further been obvious to provide a lid member for closing said compressed air injection hole so as to prevent foreign matter from entering the hole.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murase et al. in view of Ida et al, Haynes and Gotoh as applied to claim 4 above, and further in view of Ide. Murase et al. discloses an engine starter as claimed above but does not disclose means of forcing the liquid out of the recoil cover.

However, Ide teaches a compressed air injection hole (36, fig. 4) for introducing compressed air to forcibly discharge the liquid inside a cover. Although Ide does not disclose a lid for covering the injection hole, he does disclose a lid (53) for the drain valve. Moreover, it is well known in the art to provide an opening with a lid so as to protect it from foreign matter.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide a compressed air injection hole for introducing compressed air to forcibly discharge the liquid inside a cover so as to remove any contaminants. It would have further been obvious to provide a lid member for closing said compressed air injection hole so as to prevent foreign matter from entering the hole.

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Response to Arguments

11. Applicant's arguments, see amendment, filed March 24, 2003, with respect to the rejection(s) of claim(s) 1 under 103(a) (Miyakawa et al. in view of Ida et al.) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4,157,083 to Smith et al.

4,922,868 to Ohkanda

4,884,535 to Iida et al.

4,930,467 to Masuda et al.

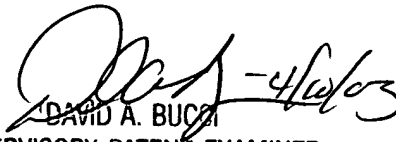
5,351,565 to Wada et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Smith whose telephone number is 703-305-3948. The examiner can normally be reached on Monday-Friday, 8-5:30, (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703-308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

jks
April 7, 2003


DAVID A. BUCCI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600